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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,837	10/29/2003	Shuichi Kumada	000862.023281	2477
5514 7590 05/13/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
VO, QUANG N				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/694,837

**Applicant(s)**

KUMADA, SHUICHI

**Examiner**

QUANG N. VO

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-16 is/are pending in the application.  
4a) Of the above claim(s) 7-12 and 14-16 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 3-6 and 13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 4/10/08  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/07/2008 has been entered.

Applicant's election without traverse of claims the restriction requirement in the reply filed on 04/07/2008 is acknowledged.

Claims 7-12,14-16, are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species II, III, and IV, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/07/2008.

***Response to Amendment***

With regard to claim 1, applicant argues that in Spronk, the color management unit 16 does not communicate the printing press 22.

In response: Because Spronk discloses the invention as a whole in that the color management unit 16 communicate with the printing press image preparation apparatus 14, which interfaces with printing press 22 through a standard local area network (LAN) (e.g., figure 1, paragraph 0046).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Spronk (US Pub. No.: 20030123072).

With regard to claim 1, Spronk discloses an image processing apparatus for performing print simulation through a computer network (e.g., color management unit 16/the image preparation apparatus 14, figure 1, paragraph 0046), comprising: a device selector (e.g., the color management unit 16, paragraph 0051), arranged to select a color printer on the network as a print simulation target (e.g., color printer 18, figure 1), and to select another color printer on the network which is used to output a simulation

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result of the target printer (e.g., printing press 22, figure 1, paragraphs 0049, 0050), wherein the image processing apparatus and the simulation output printer are present at a single site (e.g., color management unit 16 and color printer 18, figure 1), the target printer is present at another site (e.g., printing press 22, figure 1), and the two sites are connected through the network (e.g., LAN, paragraph 0046); a profile selector (e.g., ID creator unit 20, figure 1, paragraph 50), arranged to select a profile required for a color matching process (e.g., color printer profile and printing press profile, paragraph 0050) of the print simulation through the network (e.g., local area network (LAN) and distributed network, figure 1), and to set the selected profile in the target printer (e.g., a raster image processor (RIP) executing on the color management unit utilizes printer profile and press profile for color matching process, paragraph 0050); first transmitter (e.g., color management unit 16, figure 1), arranged to transmit image data on which is to be performed a color matching process to the target printer (e.g., CPU communicates memory subsystem, RAM, RIP, peripheral devices via system bus 60 (LAN) to transmit image data between different units (printing press, color printer, paragraphs 0046, 0047, 0048, 0053); a receiver (e.g., workstation 36, figure 1, paragraph 0047), arranged to receive the image data on which the color matching process has been performed according to the selected profile from the target printer (e.g., the CMYK color space, printer ID profile, paragraphs 0051, 0054); and a second transmitter (e.g., color management unit 16, figure 1), arranged to transmit the received image data to the simulation output printer (e.g., color printer 18, figure 1) so as to print an image that

simulates color of an image which the target printer (e.g., printing press 22, figure 1) will print.

With regard to claim 3, Spronk discloses wherein the profile is acquired by searching a profile database connected to the target printer, and a profile database present in the same site as said image processing apparatus in turn (paragraphs 0017,0018).

With regard to claim 4, Spronk discloses wherein the profile is acquired by searching a profile database connected to the target printer, a profile database present in the same site as the target printer, and a profile database present in the same site as said image processing apparatus in turn (paragraph 0050).

With regard to claim 5, Spronk discloses further comprising a designator arranged to designate a data format of the image data to be received, which has performed the color matching process, and wherein said communication section informs the target printer of the designated data format (paragraph 0050, 0051).

With regard to claim 6, Spronk discloses wherein the target printer rasterizes the image data that has performed the color matching process to bitmap data, converts the rasterized bitmap data to image data of the designated data format, and transmits the converted image data to said image processing apparatus (paragraph 0050).

With regard to claim 13, the subject matter is similar to claim 1. Therefore, the rejection on claim 13 is the same as the rejection on claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUANG N. VO whose telephone number is (571)270-1121. The examiner can normally be reached on 7:30AM-5:00PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on 5712727440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang N. Vo/  
Examiner, Art Unit 2625

/King Y. Poon/  
Supervisory Patent Examiner, Art  
Unit 2625